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8 Attorneys for Defendants and Counterclaimant  
9 Yerba Buena Engineering & Construction, Inc., and  
10 Travelers Casualty and Surety Company of America

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA, for the use ) Case No. CV 07 5912 WDB  
14 of AAA RESTAURANT FIRE CONTROL, )  
15 INC., doing business as AAA FIRE )  
16 PROTECTION SERVICES; and AAA )  
17 RESTAURANT FIRE CONTROL, INC., ) **JOINT CASE MANAGEMENT**  
18 Plaintiff, ) **CONFERENCE STATEMENT**  
19 vs. )

20 YERBA BUENA ENGINEERING & )  
21 CONSTRUCTION, INC., a California )  
22 corporation; TRAVELERS CASUALTY AND )  
23 SURETY COMPANY OF AMERICA, a )  
24 Connecticut corporation; and DOES 1 TO 100, )  
25 inclusive, )  
26 Defendants. )

27 **CMC Hearing Date:** August 5, 2008

28 **Time:** 4:00 p.m.

29 **Courtroom:** 4, Oakland

30 **Hon. Wayne D. Brazil, Presiding**

31 YERBA BUENA ENGINEERING & )  
32 CONSTRUCTION, INC., a California )  
33 corporation; and TRAVELERS CASUALTY )  
34 AND SURETY COMPANY OF AMERICA, )

35 Counterclaimants, )

36 vs. )

37 UNITED STATES OF AMERICA, for the use )  
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39 INC., doing business as AAA FIRE )  
40 PROTECTION SERVICES; and AAA )  
41 RESTAURANT FIRE CONTROL, INC. )

42 Counterdefendant. )

1 Defendants and counterclaimants Yerba Buena Engineering & Construction, Inc.  
2 ("Yerba Buena") and Travelers Casualty and Surety Company of America ("Travelers"), and  
3 plaintiff and counterdefendant AAA Restaurant Fire Control, Inc. submit this Joint Case  
4 Management Conference Statement pursuant to Local Rule 16-9.

5 **Private Mediation**

6 During the last case management conference, the parties advised the Court that they had  
7 agreed upon private mediation which would take place during the second week of July. The  
8 parties have since, exchanged documents and conferred on a time schedule to conduct limited  
9 discovery in preparation of mediation. To facilitate settlement, the parties have agreed that a  
10 brief continuance of the mediation hearing would benefit the process by allowing the parties  
11 adequate time to prepare for the mediation and participate in good faith. As such, the  
12 mediation before Michael Timpaine has been reset to September 10, 2008.  
13

14 **Request for Continuation of 8.5.08 Case Management Conference**

15 The mediation hearing date is September 10, 2008. The parties jointly request that the  
16 Court continue the Case Management Conference currently set for August 5, 2008, for a period  
17 of at least 60 days to allow the mediation to be completed and the parties to report the status of  
18 the matter to the Court.  
19

20  
21 DATED: July 31, 2008

McINERNEY & DILLON, P.C.

22  
23 By \_\_\_\_\_/S/ \_\_\_\_\_

24 Neil H. Bui

25 Attorneys for Defendants and Counterclaimant  
26 Yerba Buena Engineering & Construction, Inc.,  
27 and Travelers Casualty and Surety Company of  
28 America

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2 DATED: August 4, 2008  
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By \_\_\_\_\_/S/ \_\_\_\_\_  
Lawrence E. Smith  
Attorneys for Plaintiff United States of America  
for use of AAA Restaurant Fire Protection  
Services, Inc.

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14 Plaintiff, )  
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21 inclusive, )  
22 Defendants. )

**[PROPOSED] ORDER CONTINUING  
CASE MANAGEMENT CONFERENCE**

CMC Hearing Date: August 5, 2008

Time: 4:00 p.m.

Courtroom: 4, Oakland

Hon. Wayne D. Brazil, Presiding

18 YERBA BUENA ENGINEERING & )  
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24 INC., doing business as AAA FIRE )  
25 PROTECTION SERVICES; and AAA )  
26 RESTAURANT FIRE CONTROL, INC. )  
27 Counterdefendant. )

Upon consideration of the submissions of the parties, the Court Orders:

1. The Case Management Conference set for August 5, 2008, is continued to October 8, 2008, at 2:30 p.m. If the case settles through private mediation, the parties will immediately advise the Court and no appearance will be required.

2. No later than October 9, 2008, at noon, the parties must file a Further Joint Case Management Conference Statement suggesting a specific case development plan and schedule.

IT IS SO ORDERED.

DATED: 8-5-08

Wayne D. Brazil

Honorable Wayne D. Brazil  
United States District Judge